

SENATE BILL No. 433

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-42-19-12; IC 25-26-13-25.

Synopsis: Prescription refills. Allows a pharmacist to refill a prescription without the written or oral authorization of a licensed practitioner if certain specified conditions are met. Prohibits a pharmacist from reselling, reusing, or redistributing medication that is returned to the pharmacy after the medication has been dispensed unless certain conditions are met. Adds "Rx Only" as a federal legend.

Effective: July 1, 2001.

Johnson

January 18, 2001, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 433

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 16-42-19-12 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. **Except as**
- 3 **authorized under IC 25-26-13-25(c)**, a person may not refill a
- 4 prescription or drug order for a legend drug except in the manner
- 5 designated on the prescription or drug order or by the authorization of
- 6 the practitioner.
- 7 SECTION 2. IC 25-26-13-25, AS AMENDED BY P.L.187-1999,
- 8 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9 JULY 1, 2001]: Sec. 25. (a) All original prescriptions, whether in
- 10 written or electronic format, shall be numbered and maintained in
- 11 numerical and chronological order, or in a manner approved by the
- 12 board and accessible for at least two (2) years in the pharmacy. A
- 13 prescription transmitted from a practitioner by means of
- 14 communication other than writing must immediately be reduced to
- 15 writing or recorded in an electronic format by the pharmacist. The files
- 16 shall be open for inspection to any member of the board or its duly
- 17 authorized agent or representative.



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(b) Except as provided in subsection (c), a prescription for any drug, the label of which bears either the legend, "Caution: Federal law prohibits dispensing without prescription" or "Rx Only", may not be refilled without written or oral authorization of a licensed practitioner.

(c) A prescription for any drug, the label of which bears either the legend, "Caution: Federal law prohibits dispensing without prescription" or Rx Only", may be refilled by a pharmacist one (1) time without the written or oral authorization of a licensed practitioner if all of the following conditions are met:

(1) It is not reasonably possible to contact the original prescribing practitioner for consultation and authorization of the prescription refill.

(2) The pharmacist believes that, under the circumstances, a refill is necessary for the continued treatment of the patient.

(3) The original prescription authorized a refill but a refill would otherwise be invalid for either of the following reasons:

(A) All of the authorized refills have been dispensed.

(B) The prescription has expired under subsection (f).

(4) The prescription for which the patient requests the refill was:

(A) originally filled at the pharmacy where the request for a refill is received and the prescription has not been transferred for refills to another pharmacy at any time; or

(B) filled at or transferred to another location of the same pharmacy or its affiliate owned by the same parent corporation if the pharmacy filling the prescription has full access to prescription and patient profile information that is simultaneously and continuously updated on the parent corporation's information system.

(5) The drug is prescribed for continuous and uninterrupted use and the pharmacist determines that the drug is being taken properly in accordance with IC 25-26-16.

(6) The pharmacist documents the refill as required for any refill dispensed under subsection (d).

(7) The pharmacist notifies the original prescribing practitioner of the refill by the practitioner's next business day after the refill has been made by the pharmacist.

(8) Any pharmacist initiated refill under this subsection is for not more than the face amount of the original prescription, or for a thirty (30) day supply, whichever is less.

(9) Not more than one (1) pharmacist initiated refill is dispensed under this subsection for a single prescription.

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(10) The drug prescribed is not a controlled substance.

(d) When refilling a prescription, the refill record shall include:

- (1) the date of the refill;
- (2) the quantity dispensed if other than the original quantity; and
- (3) the dispenser's identity on:
 - (A) the original prescription form; or
 - (B) another board approved, uniformly maintained, readily retrievable record.

~~(d)~~ **(e)** The original prescription form or the other board approved record described in subsection ~~(c)~~ **(d)** must indicate by the number of the original prescription the following information:

- (1) The name and dosage form of the drug.
- (2) The date of each refill.
- (3) The quantity dispensed.
- (4) The identity of the pharmacist who dispensed the refill.
- (5) The total number of refills for that prescription.

~~(e)~~ **(f)** A prescription is valid for not more than one (1) year after the original date of filling.

~~(f)~~ **(g)** A pharmacist may not knowingly dispense a prescription after the demise of the practitioner, unless in the pharmacist's professional judgment it is in the best interest of the patient's health.

~~(g)~~ **(h)** A pharmacist may not knowingly dispense a prescription after the demise of the patient.

~~(h)~~ **(i)** A pharmacist or a pharmacy shall not ~~accept medication resell, reuse, or redistribute a medication~~ that is returned ~~for resale or redistribution to the pharmacy after being dispensed in good faith~~ unless the medication:

- (1) was dispensed to a patient residing in an institutional facility (as defined in 856 IAC 1-28-1(a));
- (2) was properly stored and securely maintained according to sound pharmacy practices;
- (3) is returned unopened and:
 - (A) was dispensed in the manufacturer's original:
 - (i) bulk, multiple dose container with an unbroken tamper resistant seal; or
 - (ii) unit dose package; or
 - (B) was packaged by the dispensing pharmacy in a:
 - (i) multiple dose blister container; or
 - (ii) unit dose package;
- (4) was dispensed by the same pharmacy as the pharmacy accepting the return;
- (5) is not expired; and

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1 (6) is not a controlled substance (as defined in IC 35-48-1-9),
2 unless the pharmacy holds a Type II permit (as defined in
3 IC 25-26-13-17).
4 (†)(j) A pharmacist may use the pharmacist's professional judgment
5 as to whether to accept medication for return under subsection (h).

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